IN THE

Supreme Court of the United States

October Term, 1969

APR 14 1970
JOHN F. DAVIS, CLERK

No. 71

SAMUEL J. ABATE, as a Taxpayer of the County of Rockland, and as a Representative of Others Similarly Situated,

and

JUNE MOLOF, MINDY BAKER, GLORIA ENGLISH, JOYCE BRAZILLER, LINDA BERNS and JUDY BARTOSIK, as Individuals and as Representatives of Others Similarly Situated,

and

CORNELIUS T. O'SULLIVAN, ICHABOD F. SCOTT, and MICHAEL J. CLARKE,

Petitioners,

against

PAUL F. MUNDT, PHILIP J. ROTELLA, JOHN B. LOVETT, JOHN F. McALEVEY, HAROLD K. GRUNE, constituting the Board of Supervisors of the County of Rockland, THE COUNTY OF ROCKLAND, and CHARLES FURST and MARION DORSEY, as Commissioners of the Board of Elections of the County of Rockland, and THE BOARD OF ELECTIONS OF ROCKLAND COUNTY,

Respondents.

BRIEF FOR PETITIONERS — CORNELIUS T. O'SULLIVAN, ICHABOD F. SCOTT AND MICHAEL J. CLARKE

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Supreme Court of the United States

October Term, 1969

No. 1033

SAMUEL J. ABATE, as a Taxpayer of the County of Rockland, and as a Representative of Others Similarly Situated,

and

JUNE MOLOF, MINDY BAKER, GLORIA ENGLISH, JOYCE BRAZILLER, LINDA BERNS and JUDY BARTOSIK, as Individuals and as Representatives of Others Similarly Situated,

and

CORNELIUS T. O'SULLIVAN, ICHABOD F. SCOTT, and MICHAEL J. CLARKE,

Petitioners,

against

PAUL F. MUNDT, PHILIP J. ROTELLA, JOHN B. LOVETT, JOHN F. McALEVEY, HAROLD K. GRUNE, constituting the Board of Supervisors of the County of Rockland, THE COUNTY OF ROCKLAND, and CHARLES FURST and MARION DORSEY, as Commissioners of the Board of Elections of the County of Rockland, and THE BOARD OF ELECTIONS OF ROCKLAND COUNTY,

Respondents.

BRIEF FOR PETITIONERS — CORNELIUS T. O'SULLIVAN, ICHABOD F. SCOTT AND MICHAEL J. CLARKE

Opinions Below

The opinion of the Supreme Court of the State of New York at Special Term dated July 21, 1969 (A10) and modified on July 30, 1969 (A19).

The opinion and dissent of the Appellate Division of the Supreme Court of the State of New York for the Second Judicial Department, dated August 26, 1969 (A24) is reported at 33 A. D. 2nd 660.

The opinion and dissent of the Court of Appeals of the State of New York dated October 8, 1969 (A34) is reported at 25 New York 2nd 309.

Jurisdiction

The order of the Court of Appeals of the State of New York was made and entered on October 8, 1969 (A31). The jurisdiction of this Court was invoked under Section 28 USCA 1257 (3). The petition for a writ of certiorari was filed on January 5, 1970 and granted on February 24, 1970.

Constitutional Provisions Involved

The provision of the United States Constitution involved in the determination of this case is Amendment XIV, Section 1, which states:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Questions Presented

1. Is the multi-member district plan proposed by the Board of Supervisors of Rockland County constitutional?

2. Is the population deviation of 11.9% between the highest and the lowest population per legislator consistent with the rulings of this Court in determining equal representation for equal numbers of people?

3. Has the Board of Supervisors of Rockland County made a good faith effort to achieve precise mathematical equality as required by the rulings of this Court?

Statement of the Case

The legislative body of the County of Rockland has statutorily been composed of the five town supervisors elected in each of the 5 towns of the County of Rockland. Early in 1966 the County of Rockland was directed by the Federal District Court for the Southern District of New York to reapportion the County of Rockland. *Lodico* v. *Board of Supervisors,* 256 Fed. Supp. 442.

The present action was instituted by the petitioner Samuel Abate in the Supreme Court of the State of New York on September 30, 1968 requesting that the Board of Supervisors adopt and submit to the voters a 17-member single member district plan.

Petitioners June Molof et al. were granted leave to intervene as party plaintiffs by the Supreme Court of the State of New York on April 14, 1969 on which date the defendant Board of Supervisors presented to said Court for approval an interim plan of weighted voting. The Honorable Joseph F. Hawkins, Justice of the Supreme Court of the State of New York pursuant to an order made on May 28, 1969 and entered on June 2nd, 1969 held that the interim weighted voting plan was unconstitutional and directed the Board of Supervisors to pre-

sent to the Court a proposed plan of reapportionment "with all deliberate speed."

On July 8, 1969 a reapportionment plan, resolution 311 of the County of Rockland for 1969 (A1) was submitted to the Court providing for multi-member districts. On July 9, 1969 petitioners Cornelius T. O'Sullivan, Ichabod F. Scott and Michael J. Clarke were permitted to intervene as party plaintiffs.

The plan submitted by the County of Rockland in accordance with resolution 311 established multi-member districts made up of the existing townships in the County of Rockland and established 18 county legislative seats to be apportioned among the 5 towns. District 1, Stony Point, 1 legislator; District 2, Haverstraw, 2 legislators; District 3, Ramapo, 6 legislators; District 4, Clarkstown, 5 legislators, and District 5, Orangetown, 4 legislators.

This decision was appealed to the Appellate Division which on a decision dated August 26, 1969 found without opinion (A22 and A24). The presiding Justice of the Appellate Division, Second Judicial Department, the Honorable George J. Beldock (A25) dissented from the holding of the Trial Court relying largely upon the decisions of this Court in *Wells* v. *Rockefeller*, 394 U. S. 542 and *Kirkpatrick* v. *Preisler*, 394 U. S. 526, to the effect that the County must justify any variation no matter how small from precise mathematical equality and indeed must make a good faith effort to achieve precise mathematical equality.

The decision of the Appellate Division was appealed by all the plaintiffs to the Court of Appeals of the State of New York. The Court of Appeals affirmed the lower Court's decision in an opinion dated November 12, 1969 (A34), the Chief Justice of the Court of Appeals, the Honorable Stanley H. Fuld, and the Honorable Matthew

J. Jasen, Associate Justice of said Court dissenting (A42). The majority opinion written by the Honorable Associate Justice Adrian Burke (A34) contends, in part, that the equal protection clause of the Constitution permits minimal variation or a stringent application of mathematical equality in Congressional districts, a more tolerant attitude in apportioning State legislatures and yet a greater premissiveness in deviation from strict population equality in local legislative bodies (A38).

The dissent of the Honorable Stanley H. Fuld rejected the conclusions of the majority of the Court of Appeals and held that the permissible variations between Congressional districts is "almost micrometric", and the permissible deviations in the apportionment of other governmental bodies cannot be any different.

The dissent also concluded that the 11.9% variation in this case was not de minimis and that the Board of Supervisors had not made a good faith effort to achieve absolute equality as mandated by the Supreme Court.

Summary of Argument

That the petitioners, O'Sullivan, Scott and Clarke, are injured parties in that their representation in the County legislature in substantially less than that of the residents of the adjoining township.

That the Supreme Court has held that the "Equal protection" clause of the Constitution is applicable to all levels of government and the county of Rockland falls within said protected area.

That the standards of equality must be based upon a "good faith" effort to achieve precise mathematical equality. That no such effort has been made by the County of Rockland and the variations existent are not de minimus.

That multi-member districts are constitutional under certain conditions, that is when they do not breach the standards established by this Court for equal representation.

That unique natural boundaries may permit a wider variance in population equality under limited circumstances.

That the doctrine of Stare decisis has applicability to this case as we seek to have the body of law relating to "one man-one vote" applied to the facts of this case.

ARGUMENT

I

Petitioners Cornelius T. O'Sullivan, Ichabod F. Scott and Michael J. Clarke are properly aggrieved parties with standing to sue.

Petitioner Michael J. Clarke is a resident of the Hamlet of Orangeburg in the Town of Orangetown, County of Rockland, State of New York. He is a duly elected town councilman in the Town of Orangetown.

Petitioner Ichabod F. Scott is a resident and taxpayer of the Hamlet of Orangeburg, Town of Orangetown, County of Rockland, State of New York, and is Chairman of the Board of Fire Commissioners of the Orangeburg Fire District in said Town of Orangetown, County of Rockland State of New York.

Cornelius T. O'Sullivan is a resident taxpayer of the Hamlet of Pearl River, in the Town of Orangetown, County of Rockland, State of New York.

These petitioners intervened in this case as each of them are resident taxpayers of the Township of Orange-

town in the County of Rockland which is the township that is underrepresented in the legislative distribution (A36). Thus, these petitioners are the only petitioners who clearly suffer an injury or harm due to the decision of the former Board of Supervisors of the County of Rockland in adopting this multi-member district plan with the population spread as it exists in the County of Rockland (A43).

II

Equal protection clause of the Constitution of the United States requires that one-man one-vote standard apply equally at all levels of government.

The entire thrust of the decisions of this Court begun in 1964 has been to recognize that *all* levels of government are in effect merely extensions of the people who must be fairly represented and have equality in the election of their representatives—to do less would indeed have been to rob us of those liberties so prized by their absence in many parts of the world.

As this Court said very clearly in *Wesberry* v. *Sanders*, 376 U. S. 1 (6, 7):

> ". . . that nothing in the language of that article gives support to a construction that would immunize State Congressional apportionment laws which debase a citizen's right to vote from the power of Courts to protect the constitutional rights of individuals from legislative destruction, a power recognized at least since our decision in *Marbury* v. *Madison*, 1 Cranch 137 in 1803. Cf. *Gibbons* v. *Ogden*, 9 Wheat. 1. The right to vote is too important in our free society to be stripped of judicial protection by such an interpretation of Article I."

This fundamental recognition by the United States Supreme Court is buttressed by its historical recognition in *Wesberry* v. *Sanders,* supra, as that figure who played such a fascinating role in the constitutional history of our nation, a former associate Justice of the Supreme Court, James Wilson, who is quoted at page 17 in the *Wesberry* decision, as follows:

> "All elections ought to be equal. Elections were equal, when a given number of citizens, in one part of the State, choose as many representatives, as are chosen by the same number of citizens in any other part of the State. In this manner, the proportion of the representatives and of the constituents will remain invariably the same."

In *Reynolds* v. *Simms,* 377 U. S. 533, this Court brought to bear the equal protection clause of the Fourteenth Amendment of the United States Constitution and guaranteed to each voter an equal voice in his State government unlike *Wesberry,* which affected Congressional districts. In extending the principle of "one-person one-vote" to State legislative bodies the Court stated:

> As long as ours is a representative form of government and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their State legislature. And if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or ten times the weight of votes of

citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted."

This Court further stated, "Neither history alone, nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population base representation. Citizens not history or economic interests, cast votes." *Reynolds* v. *Sims,* supra, at 579-580.

Commenting further the Court said, "Modern developments and improvements in transportation and communications make rather hollow, in the mid-1960's, most claims that deviations from population-based representation can validly be based solely on geographic considerations. Arguments for allowing such deviations in order to assure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing." *Reynolds* v. *Sims,* supra, 580.

This Court next treated the problem of the application of equality of voting rights in the area of units of local government. In *Avery* v. *Midland County,* 390 U. S. 474, this Court extended the principle of equality of voting rights to the local level of government and held in essence that the Constitution does not permit any substantial variation in the degree of representation on the local governmental level.

The Court fully recognized that you do not have different levels of equality for different levels of government and, indeed, that the local level of government is not less important than the Congressional or State Legislature.

"In a word, institutions of legal government have always been a major aspect of our system, and their responsible and responsive operation is today of increasing importance to the quality of life of more and more of our citizens." *Avery* v. *Midland County*, supra, 451.

Most recently this Court in the case of *Hadley* v. *Junior College District of Metropolitan Kansas City, Missouri*, decided February 25, 1970 and unreported, wherein this Court applied the one-man one-vote doctrine and equality requirements of the Fourteenth Amendment to a school district in the State of Missouri, and in so doing stated, "The harm from unequal treatment is the same in any election regardless of the officials selected."

The Court in essence stated that the purpose of the election is not the determining factor in deciding whether voters are entitled to equal voting power, but rather the very fundamental fact that a vote is being taken demands equality of voting representation.

It is clear from the thrust of the cases ruled on by this Court since 1964, that the principle of equality of representation does indeed apply at each and every level of government and is accordingly very much applicable to the people who are the voters of the County of Rockland, and most particularly, all citizens and residents of the County of Rockland whose votes may be deminished in whole or in part as a result of a reapportionment scheme here challenged.

III

The standards of equality as established by the Supreme Court have not been met by the plan of reapportionment of the County of Rockland.

The phrase equal protection under the law, or "one-man one-vote" roll very easily off of the tongue. It is indeed, however, far simpler to say than to develop and devise standards and tests that have meaning and understanding in the complex society in which our nation finds itself a part.

This Court in developing these standards and the need for them, has proceeded judiciously and reasonably, not with an aim to developing a straight-jacket, but with the aim of securing fair and reasonable justice for all of the people.

The Court first enunciated in *Reynolds* v. *Sims*, supra, the concept that the State, or a public agency, or a government, must make a *good faith effort* to achieve precise mathematical equality. Without an effort in good faith to achieve equality of representation then all else would fail. The element of good faith and reasonableness is the thread or the chain that holds together our complex society, and the differences in viewpoints that are expressed in the heterogeneous socity that we live and thrive in.

In the case of *Swann* v. *Adams*, 385 U. S. 440, Mr. Justice White, speaking for the Court stated that

> "We reverse for the failure of the State to present or the District Court to articulate acceptable reasons for the variations among the populations of the various legislative districts, with respect to both the Senate and the House of Representatives. *Reynolds* v. *Sims*, supra, recognized that mathematical

exactness is not required in State apportionment plans. De minimis deviations are unavoidable, but variations of 30% among Senate districts and 40% among House districts can hardly be deemed de minimis and none of our cases suggest that differences of this magnitude will be approved without a satisfactory explanation grounded on acceptable State policy."

We thus see the burden placed upon the proponent of a reapportionment plan to clearly enunciate the basis for any variation from precise mathematical equality.

Let us now turn to the case of *Kirkpatrick* v. *Preiselr*, 394 U. S. 526, wherein this Court elucidated. The as nearly as practicable standard as it related to one-man one-vote.

What are acceptable reasons for variations? A concept that distinct economic and social interests should not be fragmented. This Court in answer to that said, "But to accept population variances, large or small, in order to create districts with specific interest orientations is antithetical to the basic premise of the Constitution command to provide equal representation for equal numbers of people. *Kirkpatrick* v. *Preisler*, supra.

What of the problems of practical politics? The interplay of compromise? The Court stated, "Problems created by partisan politics cannot justify an apportionment which does not otherwise pass constitutional muster." *Kirkpatrick* v. *Preisler*, supra.

The most intriguing standard for justification for variation is the one based upon the maintenance of existing municipal county or other political subdivision boundaries. To this proposal this Court stated, "Similarly, we do not find legally acceptable the argument that variances are justified if they necessarily result from a State's attempt

to avoid fragmenting political subdivisions by drawing Congressional district lines along existing County, municipal, or other political subdivision boundaries. The State's interest in constructing Congressional districts in this manner it is suggested is to minimize the opportunities for partisan gerrymandering. But an argument that deviations from equality are justified in order to inhibit legislators from engaging in partisan gerrymandering is no more than a variant of the argument, already rejected, that considerations of practical politics can justify population disparities." *Kirkpatrick* v. *Preisler*, supra.

The Court similarly dismissed the standard that the districts would be geographically compact based on the fact that it is people that are represented, not geography, and a pleasing-shaped district is not a justification.

The Court did not arbitrarily reject efforts to deal with shifts in population and with the question of the number of eligible voters as distinguished from the actual population, both of these areas were left open as possible basis for variation, yet in the case of the County of Rockland here before this Court, no such justification is claimed, nor can be claimed, since the only basis for the reapportionment plan is to maintain the existing township lines in the County of Rockland despite the fact that the villages throughout the County are divided across town lines. Thus some residents of a village are represented by those representatives from one township while residents of the same village vote for other representatives based solely upon where they live.

We are dealing with a situation of what was a hopelessly malapportioned legislature, unwilling to set its house in order, and seeking to find a justification under a constitutional theory to enable them to maintain their positions of political power without regard to the interest of the people in the County *or* regard to providing

equality of representation. The commission appointed by the Board of Supervisors in this particular case, for the purposes of making recommendations, did indeed initially prepare a recommendation to the County of Rockland for single member districts on an equal basis. This plan was suddenly changed at the eleventh hour for the multi-member plan we now have before us and which is now governing the County of Rockland.

My co-petitioners herein, June Molof et al., on behalf of the League of Women Voters prepared and submitted to the Court of Appeals a map of equal member districts with a variation of 3.5% (see Appendix 1 of this brief for this plan and comment CA49) prepared without regard t[illegible]rtisan political considerations, and shows clearly that [illegible]ed on the most recent census figures of June 1969, that it is indeed possible to provide a reasonably practicable standard of equality and there is no reason within the standards established by this Court that can justify reducing the vote of each and every citizen of the Town of Orangetown by 11.9% when compared with those residents in the adjoining Town of Clarkstown.

This Court in the case of *Wells* v. *Rockefeller,* 394 U. S. 535, dealt with a problem not dissimilar from the problem involved in the County of Rockland. The Wells case evolved upon the establishment of Congressional districts within regions wherein the size of the districts within the region would be fairly close but on a Statewide comparison would have a substantial variation. The variation, interestingly enough, is very close to that found in this case. In the Wells case, a 6.6 variation below the State mean and a 6.5% variation above the State mean amounting to 13.1, whereas in the Rockland County situation we have an 11.9 variation between the highest and the lowest representation.

IV

Multi-member districts and the County of Rockland.

It is not necessary to strike down all multi-member district plans, to reverse the decision in the case at the bar. This Court long ago established in *Fortson* v. *Dorsey*, 379 U. S. 433, that multi-member districts are not violative of the equal protections of the United States Constitution per se. The basic question is does the plan seek to provide substantial equality within the standards set by this Court.

Deutsch v. *Davis*, 387 U. S. 112, does not permit diminshment of any person's vote. Indeed, the election there is based on an at-large election and, therefore, the rights of each voter are given equal treatment and a requirement that the candidates be residents of certain areas which are not necessarily equal in numbers leaves ample room for legitimate political goals of experimentation and creativity without offending the constitutional rights of the voters within the rather secure limits of equality as spelled out in *Kirkpatrick*, *Wells*, *Swann* and *Reynolds*.

What, then, of *Burns* v. *Richardson*, 384 U. S. 73, where this Court in ruling on the apportionment of the State Senate of the State of Hawaii approved multi-member districts with very substantial disparities in population? (See Appendix 2, this Brief). While it is true that the decision in the *Burns* case was made some years before *Kirkpatrick* and *Wells*, it is not necessary to reverse *Burns* in order to correct the inequity existing in the County of Rockland today. First, the apportionment in the *Burns* case was not on the basis of population. It was on the basis of voters per district. We do not know from an examination of the case the population of these

districts. It is interesting to note, however, that the total number of voters is 239,361, while the population of the entire State of Hawaii in 1960, according to the federal census was 632,772. Certainly no assumptions can be made that the population spread was identically in proportion to the spread of voters.

But perhaps the most significant consideration is to be found in the recognition that the State of Hawaii is not a single contiguous land mass nor is it only 178 square miles as is the County of Rockland, but is instead an area of some 6,424 square miles extending over 375 miles of the Pacific Ocean.

In *Swann* v. *Adams,* supra, and *Reynolds* v. *Sims,* supra, it has been stated that variations from a pure population standard might be justified by a State policy, the maintenance of compactness, and/or the recognition of natural or historical boundary lines. It is apparent insofar as the State of Hawaii are concerned that there are very unique natural boundary lines which pose problems is reapportionment unlike those found in any other part of the United States of America. Some basic geographical realities must be taken into consideration.

Appendix 2 lists the Counties of Hawaii, namely, Hawaii, Maui, Honolulu and Kauai. An examination of any Atlas will show the following considerations. Kauai is separated from the nearest island, namely, Oahu, which contains the County of Honolulu by a channel 63 miles wide and 11,232 feet deep.

The Island of Maui is separated from Hawaii by a channel 26 miles wide and 6,192 feet deep, and from the island of Oahu, on which Honolulu is located, by a channel 23 miles wide and 2,244 feet deep. Clearly, these geographical realities of open ocean mandated considerations above and beyond the problems posed in the County of

Rockland, a compact area of 178 square miles, one of the smallest counties in the State of New York, not spread over the open ocean and with easy access in all directions, is totally different than the State of Hawaii.

In view of both the considerations of the geopraphic characteristics of the State of Hawaii, which provides natural boundaries unlike those found in Rockland County and the fact that the apportionment was based on voters per district rather than total population, the case of *Burns* v. *Richardson,* supra, if not in fact reversed by *Kirkpatrick* v. *Preisler* certainly is distinguished.

V

Stare decisis is applicable to the law of this case.

Corpus Juris Secundum, 21 CJS 187, sets forth very clearly the concept and principle of law whereby a principle of law when settled by a series of decisions is binding upon the Courts and should be followed in similar cases. It is a salutary rule entitled to great weight, and ordinarily should be adhered to by the Courts especially where a different ruling would work an injustice to some of the litigants such as in this particular case, where the residents of the Town of Orangetown are underrepresented by almost 12%.

Mr. Justice Harlan has alluded to this basic concept, if not expressly then indirectly when in *Kirkpatrick* v. *Preisler,* supra, wherein he dissented in the following language, "As I do not think that the apportionment plan submitted by the States of New York and Missouri can properly be regarded as offensive to the requirement of equality imposed in *Wesberry*—a case whose constitutional reasoning I still find it impossible to swallow, but by whose dictate I consider myself bound—I dissent."

And again in *Hadley v. Jr. College District of Metropolitan Kansas City,* supra, Mr. Justice Harlan stated, "While I deem myself bound by *Reynolds* and *Avery,* supra,—despite my continued disagreement with them as constitutional holdings."

Certainly the body of law that has been developed in this area mandates nothing less than a careful and considered application of the law as it has been developed by this Court and its even-handed application.

CONCLUSION

It is respectfully requested that,

1. This Court rule the current legislative body to have been elected under an unconstitutional plan of reapportionment.

2. That a special election be mandated at the earliest possible opportunity to enable the people of Rockland County to be fairly and equally represented in their County government.

3. No unconstitutionally constituted body be permitted to participate in drawing any plans of reapportionment for consideration by any Courts in the implementation of a reversal of this case.

Respectfully submitted,

PAUL H. RIVET, ESQ.,
Counsel for Petitioners, Cornelius T. O'Sullivan, Ichabod F. Scott & Michael J. Clarke.

APPENDIX I

Single-Member District Apportionment of Rockland County

Based on Latest Census Data (1969)

Eighteen Districts

Mean Population = 12,159

Range = 11,972 to 12,397

Deviiation from Mean — 1.5% to + 2.0%

Total Spread 3.5%

District No. 1

Stony Point		12,119

District No. 2

Haverstraw	1	4,087
"	2	1,692
"	11	2,557
"	14	1,751
"	4	1,272
"	15	960
"	12	9
		12,328

Appendix I

District No. 3

Haverstraw	13	2,029
"	3	1,425
"	16	1,376
"	6	1,088
"	5	1,007
"	7	665
"	8	1,215
"	9	1,463
"	10	1,085
Clarkstown	2	958
		12,311

District No. 4

Clarkstown	37	1,291
"	53	1,245
"	29	1,327
"	13	1,209
"	46	841
"	25	1,212
"	1	1,338
"	22	853
"	9	1,270
"	40	1,431
		12,017

Appendix I

District No. 5

Clarkstown	52	580
"	14	1,452
"	42	1,234
"	38	1,599
"	7	991
"	43	2,396
"	17	648
"	8	1,059
"	51	737
"	6	267
"	3	1,020
"	6	267
		11,983

District No. 6

Clarkstown	36	1,184
"	48	751
"	27	1,579
"	16	1,004
"	30	1,242
"	19	1,157
"	11	1,775
"	24	795
"	39	1,262
"	32	1,310
		12,059

Appendix I

District No. 7

Clarkstown	26	983
"	31	1,130
"	34	1,207
"	15	886
"	33	1,127
"	35	1,063
"	45	1,023
"	18	972
"	44	655
"	41	472
"	10	1,135
"	21	1,319
		11,972

District No. 8

Clarkstown	47	791
"	12	1,052
"	50	1,269
"	5	1,262
"	28	856
Orangetown	25	961
"	34	1,076
"	29	1,246

Appendix I

District No. 8 (Cont'd)

Orangetown	10	1,237
"	37	577
"	43	1,254
"	24	816
		12,397

District No. 9

Clarkstown	49	992
"	20	673
"	54	688
"	4	572
"	23	774
Orangetown	4	973
"	32	883
"	11	1,372
"	2	946
"	7	834
"	15	382
"	18	933
"	5	1,343
"	8	994
		12,359

Appendix I

District No. 10

Orangetown	40	506
"	3	905
"	41	1,154
"	22	1,504
"	19	803
"	30	988
"	23	1,295
"	44	841
"	28	1,473
"	20	604
"	26	1,250
"	45	680
		12,003

District No. 11

Orangetown	12	1,203
"	13	1,626
"	6	552
"	42	1,488
"	33	1,021
"	1	1,182
"	16	798
"	14	821
"	21	1,300
"	38	975
"	35	1,086
		12,052

Appendix I

District No. 12

Orangetown	#39	1,603
"	36	5,685
"	27	1,833
"	31	1,269
"	9	945
"	17	853
		12,188

District No. 13

Ramapo	15	629
"	39	1,174
"	48	660
"	4	538
"	5	1,047
"	22	1,004
"	37	899
"	59	973
"	33	757
"	56	1,153
"	58	874
"	2	821
"	49	449
"	1	1,170
		12,148

Appendix I

District No. 14

Ramapo	63	1,770
"	42	953
"	10	748
"	47	1,076
"	55	1,318
"	50	1,235
"	52	999
"	38	2,185
"	32	955
"	44	895
		12,134

District No. 15

Ramapo	12	1,509
"	13	1,422
"	21	1,145
"	51	227
"	6	1,852
"	36	3,019
"	23	539
"	27	933
"	64	1,595
		12,241

Appendix I

District No. 16

Ramapo	19	2,072
"	29	1,135
"	53	627
"	8	1,407
"	62	1,779
"	30	1,169
"	26	1,219
"	28	917
"	35	959
"	20	822
		12,106

District No. 17

Ramapo	46	1,549
"	34	1,096
"	3	2,027
"	43	1,438
"	45	749
"	60	647
"	25	1,004
"	40	1,031
"	18	1,304
"	41	1,256
		12,101

Appendix I

District No. 18

Ramapo	16	1,397
"	11	678
"	7	1,826
"	14	976
"	31	1,223
"	61	1,428
"	17	1,417
"	9	1,365
"	57	958
"	24	1,071
		12,339

APPENDIX II

(Burns) *Holt v. Richardson*, 240 F. Supp. 724
DISTRICT APPORTIONMENTS (p. 727)

County	*District*	*No. of Senators*	*Voters per District*	*Representation per Senator*
Hawaii	First	3	28,130	9,377
Maui	Second	2	18,786	9,393
Honolulu	Third	3	27,073	9,024
"	Fourth	4	35,780	8,945
"	Fifth	4	39,361	9,840
"	Sixth	4	40,629	10,157
"	Seventh	4	37,336	9,334
Kauai	Eighth	1	12,266	12,266
	Total	25	239,361	

Norm or Mean (239,361 ÷ 25) 9,574

MAXIMUM VARIATION FROM MEAN

	Kauai
Voters	12,266
Norm	— 9,574

2,692 ÷ 9574 = 28% Mean Variance

PROPORTION OF LARGEST TO SMALLEST DISTRICT

Largest District per whole vote (Eighth)	12,266
Smallest District per whole vote (Fourth)	8,945
Proportion	1.37 to 1